

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Cook, et al.

§  
§  
§  
§  
§

Attorney Docket No.: 25791.25.08

Appl. No. 10/030,593

Group Art Unit: 3672

Filed: January 8, 2002

Examiner: Kenneth L. Thompson

For: TWO-STEP RADIAL EXPANSION

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**BASED ON FAILURE TO RECEIVE OFFICE ACTION**  
**PURSUANT TO MPEP §711.03 (c)(I)(A)**

Honorable Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

A Notice of Abandonment of the above-referenced patent application was mailed to the undersigned representative of the Applicant on August 29, 2006. A copy of this document is attached as Exhibit A.

The Notice of Abandonment refers to an Office Letter mailed on December 30, 2005. However, no such letter was ever received by the undersigned representative of the Applicant. Attached are Declarations of Todd Mattingly, Suzanne Kiefer, and Lucresha Vinson detailing the mail-handling and docketing procedures of applicant's representative which evidence that (1) the Office Letter was not received and (2) the docket records indicate that the Office Letter was not received by the undersigned representative of the Applicant.

Pursuant to the MPEP §711.03(c)(I)(A), the showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating (1) that the Office communication was not received by the practitioner and (2) attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

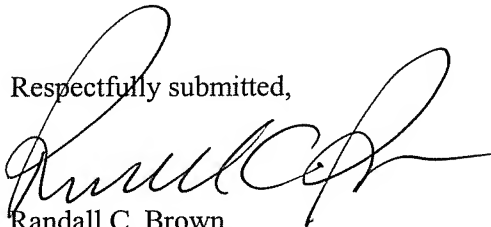
In the present case, not only do Applicant's representative's docket records evidence the non-receipt of the Office Letter as described in the attached Declarations, the USPTO's own docket records confirm the non-receipt.

The Office Letter in question in this case was not received and in fact was returned by the U.S. Postal Service to the USPTO as shown on Public PAIR under the Image File Wrapper section with an entry dated January 23, 2006 and titled "Mail returned to USPTO as undelivered." A copy of the Image File Wrapper index and a copy of the returned Office Letter showing a return date stamp of January 23, 2006 are attached as Exhibit B-2 to the Kiefer Declaration. The non-receipt of the Office Letter mailed December 30, 2005 has been demonstrated both pursuant to MPEP §711.03(c)(I)(A) and pursuant to the USPTO's own records. It is respectfully submitted that the failure of the December 20, 2005 Office Action to reach the undersigned was not the fault of the undersigned in any way.

Accordingly, it is respectfully requested that the Office Letter be remailed to the correspondence address of record and that the holding of abandonment be withdrawn.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 08-1394.

Respectfully submitted,

  
Randall C. Brown  
Registration No. 31,213

Date: 10/30/06  
HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Telephone: 713-547-2301  
Facsimile: 214-200-0853  
25791.25.08

H-638872\_2.DOC

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this communication is being transmitted via EFS-Web to the United States Patent and Trademark Office, on the date indicated below.

DATE OF DEPOSIT: 10/30/06

By: Suzanne Kiefer  
Name of person transmitting communication

Suzanne Kiefer  
Signature of person transmitting communication